IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Bail Appl..No. 5553 of 2007()

CMP.6138/2007 of J.M.F.C.-II,NEDUMANGAD
CR NO.83/2007 OF NEDUMANGAD EXCISE RANGE

.....

PETITIONER/ACCUSED

JAYASREE, D/O REMA DEVI,
SALINI MANDIRAM, SANNAGER, PARIYAROM,
ARASUPARAMPU MURI, NEDUMANGAD VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR
SRI.P.P.BIJU

RESPONDENTS: COMPLAINANT

STATE OF KERALA REP.BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/09/2007 ALONG WITH BA NO.5576/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5553 & 5576 of 2007

Dated this the 18th day of September 2007

O R D E R

These applications by the common petitioner are for regular bail. The petitioner faces allegations under the Kerala Abkari Act. The petitioner was allegedly found to be in possession of 10 litres of arrack on two occasions. The first on 29/8/2006 and the other on 16/7/2007. On both occasions, seizure was effected; but the petitioner was not arrested. The petitioner was not arrested because the detecting parties did not consist of any woman official. The petitioner was arrested later on 16/8/2007 in one crime. Her arrest was recorded in the other crime with effect from 22/8/2007. The petitioner thus continues in custody from 16/8/2007. The learned Public Prosecutor submits that other than these two cases, there are no other allegations against the petitioner of having committed any offences.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is granted reasonable further time to complete the investigation and I am satisfied that

regular bail can be granted to the petitioner subject to appropriate conditions.

3. In the result, these petitions are allowed. The petitioner shall now be enlarged on bail on the following terms and conditions:

i) The petitioner shall not be released on bail on the strength of this order prior to 26/09/2007. The investigating officers shall, in the meantime, make every endeavour to complete the investigation.

ii) The petitioner shall in each case execute bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make herself available for interrogation at the office of the Nedumangad excise range between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months from the date of her release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007